

AG Contract No.: KR03-0427TRN  
ADOT ECS File No.: JPA 02-193  
Project: SR 90 Milepost 307.55  
TRACS No: H6346 01C  
Section: East of SR 90, Camino De  
Manana Drainage Channel  
**5-Year Program Item No: 73304**  
District Minor Funds

## INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
COCHISE COUNTY

**THIS AGREEMENT** is entered into 12th December, 2003, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and COCHISE COUNTY, acting by and through its BOARD OF SUPERVISORS (the "County").

### I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned, the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The State and the County desire to participate in the design and construction improvements to Camino de Manana Drainage Channel hereinafter referred to as the "Project". The Project will address two issues: 1) Channel drainage flow improvements, 2) "Ponding" drainage issues to the County's subdivision streets that cross over the drainage channel's right-of-way, east of SR 90 within the unincorporated Whetstone area. The Project area is shown on Exhibit A, attached hereto and made a part hereof. The State will be responsible for an estimated amount, not to exceed \$102,000.00. The State will transfer ownership of the Camino de Manana Drainage Channel right-of-way to the County with the approval of the Transportation Board and upon execution of this agreement. The parties hereto agree that the County will accept ownership jurisdiction and maintenance responsibilities for Camino De Manana Drainage Channel right-of-way, including the (6) barrel concrete box culverts located on the County's intersecting surface streets.

---

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 26482  
Filed with the Secretary of State  
Date Filed: 12/12/03

Janice K. Brewer  
Secretary of State

By: Timothy D. Gruenewald

## **II. SCOPE OF WORK**

### **1. The County will:**

a. Upon execution of this agreement, invoice the State for the estimated amount, not to exceed \$102,000.00 and be responsible for all other costs associated with the Project.

b. Provide to the State design plans, specifications and other such documents and services required for the drainage improvements to the Camino de Manana Drainage Channel. Incorporate or resolve State review comments.

c. Utilize Cochise County forces to construct and administer the Project. The County shall be responsible for additional increases due to delays, or whatever reason attributable to the County.

d. Upon approval by resolution of the Transportation Board, County Board of Supervisors, and execution of this agreement. Accept ownership jurisdiction and maintenance responsibilities for Camino De Manana Drainage Channel right-of-way, including the (6) barrel concrete box culverts located on the County's intersecting surface streets, as shown on Exhibit A.

e. Waive the requirements of Arizona revised Statue 28-7209.

### **2. The State will:**

a. Review the design documents and provide comments.

b. Upon the completion of the Project, the Transportation Board and the County Board of Supervisor's approval, transfer ownership jurisdiction and maintenance responsibilities of Camino De Manana Drainage Channel right-of-way east of SR 90, including the (6) concrete box culverts located on the County's intersecting surface streets, as shown on Exhibit A.

c. Upon execution of this agreement and receipt of an invoice, remit an estimated amount, not to exceed \$102,000.00 to the County for the State's participation cost of the Project.

## **III. MISCELLANEOUS PROVISIONS**

1. This agreement shall remain in force and effect until completion of said Project and transfer of Camino De Manana Drainage Channel right-of-way, including the 6-barrel concrete box culverts located on the County's intersecting surface streets. The State's Transportation Board and Board of Supervisors may cancel this agreement at any time prior to the approval, with (30) days written notice to the other party. In the event the County terminates this agreement, the State shall in no way be obligated to maintain said Project.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. This agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona, and incorporated herein by reference regarding "Non-Discrimination".

6. Non-Availability of Funds: Every payment obligation of the State under this contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this contract, this contract may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona revised Statutes Section 12-1518.

8. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Cochise County  
County Administrator  
1415 West Melody Lane  
Bisbee, AZ 85603

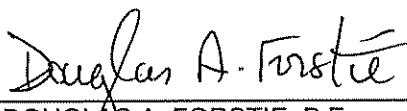
9. In accordance with Arizona Revised Statutes Section 11-952, (D) attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


COCHISE COUNTY

STATE OF ARIZONA  
Department of Transportation

By   
PATRICK CALL  
Chairman of the Board

By   
DOUGLAS A. FORSTIE, P.E.  
Acting Deputy State Engineer, Operations

ATTEST

By   
NADINE PARKHURST  
Clerk of the Board

**PROCEEDINGS OF THE REGULAR BOARD MEETING OF THE  
COCHISE COUNTY BOARD OF SUPERVISORS  
TUESDAY, NOVEMBER 04, 2003**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, November 04, 2003 in the Board of Supervisors' meeting room at 1415 Melody Lane, Building B, Bisbee, Arizona. In attendance were Patrick Call, Chairman; Leslie Thompson, Member; Paul Newman, Vice Chairman; Jody Klein, County Administrator; Britt Hanson, Deputy County Attorney and Nadine Parkhurst, Clerk of the Board.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

**THE ORDER OF DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

**ROLL CALL** – The three members of the Board were present.

Supervisor Newman made a special announcement regarding the first Cochise County casualty in Iraq. Twenty-one year old Isaac Compoy died on October 28, 2003 forty miles north of Baghdad. Isacc was born in Douglas, attended Douglas High School and went into the military after graduation. The Board honored his memory and a sympathy card will be sent to his father and mother who still live in Douglas.

**CALL TO THE PUBLIC (MATTERS RELATED TO COUNTY GOVERNMENT - LIMIT OF 3 MINUTES PER PERSON OR AT THE DIRECTION OF THE CHAIRMAN)** - Chairman Call indicated that this was the time for anyone to address the Board on issues not listed on the agenda. No one responded.

**REPORT BY MR. JODY KLEIN, COUNTY ADMINISTRATOR ON RECENT AND PENDING COUNTY MATTERS**

County Administrator Jody Klein explained that notification has been received that grant funds for public transportation have been made available. An item will be placed on the agenda for November 18, 2003 for the Board to approve the application to obtain these funds. Mr. Klein also mentioned that the Facilities Department is getting proposals for a space study for the Sierra Vista Complex and well as the Quality Hill Facility in Bisbee. This item will also be placed on the agenda for November 18, 2003.

**CONSENT**

**ATTORNEY**

**ITEM 1**

**APPROVAL OF AN EASEMENT TO THE CITY OF BISBEE FOR A SEWER LINE AT THE MELODY LANE COMPLEX.**

**ITEM 2**

**APPROVAL OF RESOLUTION 03-76 , AUTHORIZING THE COOPERATIVE PURCHASING AGREEMENT WITH THE COCHISE COUNTY SCHOOL SUPERINTENDENT, THE COCHISE COUNTY SCHOOL DISTRICTS, AND COCHISE COLLEGE FOR ENHANCED LEGAL SERVICES.**

**BOARD OF SUPERVISORS**

**ITEM 3**

**APPOINTMENT OF MR. BRIAN S. BLAIR FOR THE LABOR ORGANIZATION POSITION ON THE COCHISE COUNTY LOCAL WORKFORCE INVESTMENT BOARD.**

**ITEM 4**

**APPROVAL OF THE MINUTES OF THE FORMAL BOARD MEETING OF TUESDAY, OCTOBER 21, 2003.**

**FINANCE**  
**ITEM 5**  
**DEMANDS**

Warrant No. 5790 through 6020 were issued from the following fund lines in the amount of \$594,510.64. Voided warrants are listed below:

**VOIDED WARRANTS**

Fund 100	WT #12617 Vance, Kate, PHD	\$100.00
Fund 100	WT #15353 American Judges Assoc.	\$100.00
Fund 100	WT #3486 Duenes Rhonda	\$138.00
Fund 100	WT #4151 Cochise Imaging	\$1,208.71
Fund 100	WT #4119 Allstate Imaging, Inc.	\$471.63
Fund 100	WT #4812 AZ Supreme Crt	\$60.00
Fund 100	WT #4601 Pardee, Candyce B.	\$15.00

**ISSUED WARRANTS**

Fund 100	General Fund	\$178,297.83
Fund 103	Document Storage-Recorder	\$1,124.00
Fund 105	Bisbee/Douglas Airport	\$166.95
Fund 109	Fleet Mgmt	\$3,925.05
Fund 112	Legal Defender Training	\$7.50
Fund 115	BOS Grants	\$283,167.22
Fund 116	Tourism	\$275.00
Fund 124	Attorney Anti-Racketeering	\$1,577.40
Fund 131	Attorney Diversion	\$1,707.00
Fund 143	Detention Education (Juvenile)	\$712.36
Fund 147	Adult Prob. Svcs. Fee	\$2,126.83
Fund 149	Adult Probation Community Punishment	\$200.00
Fund 155	Diversion Intake	\$549.37
Fund 162	Document Storage-Clk of Ct	\$241.77
Fund 167	Court Improvement Program	\$29.50
Fund 171	County Library	\$986.48
Fund 175	Friends of Library	\$1,880.04
Fund 203	Jail Enhancement	\$7,127.00
Fund 205	Sheriff Law Enforcement	\$5,040.00
Fund 212	AZ Criminal Justice Grant	\$2,908.79
Fund 222	Office of Bio Terrorism	\$71.60
Fund 239	SEAGO Case Mgmt	\$94.20
Fund 241	HIV Outpatient Svcs	\$1,412.42
Fund 243	Immunization Program	\$204.85
Fund 249	Tobacco Educ. Grant	\$5.60
Fund 251	Public Works	\$61,520.59
Fund 261	Flood Control District	\$3,160.48
Fund 281	Jail Education Program	\$285.00
Fund 284	PDLA Startup Grant	\$2,800.94
Fund 504	Solid Waste Capital Project	\$6,450.00

Fund 505	Solid Waste	\$19,560.91
Fund 508	Cochise Health Systems	\$6,167.92
Fund 550	Project Restore	\$339.90
Fund 554	JCRF CAB	\$19.80
Fund 557	Domestic Violence TF	\$222.40
Fund 585	CASA Grant	\$143.94
TOTAL		<u>\$594,510.64</u>

#### **HIGHWAYS AND FLOODPLAIN**

##### **ITEM 6**

**ADOPTION OF RESOLUTION 03-77 ABANDONING A PORTION OF THAT CERTAIN PUBLIC EASEMENT IN THE PORTAL AREA.**

##### **ITEM 7**

**ADOPTION OF RESOLUTION 03-78 ABANDONING THOSE CERTAIN PUBLIC ALLEYWAYS IN BLOCK 19 OF FAIRVIEW ADDITION TO DOUGLAS.**

##### **ITEM 8**

**APPROVAL OF THE CONTRACT FOR APPRAISAL SERVICES FOR RIGHT-OF-WAY AND REAL PROPERTY ACQUISITION WITH THE FIRM OF BAKER, PETERSON, BAKER & ASSOCIATES, INC. FOR THE PERIOD FROM NOVEMBER 4, 2003 THROUGH NOVEMBER 4, 2004, AND AUTHORIZE THE CHAIRMAN TO SIGN.**

#### **PURCHASING**

##### **ITEM 9**

**PURCHASING FOR FLEET MANAGEMENT DEPARTMENT -- POSSIBLE AWARD OF INVITATION FOR BIDS 2604 PURCHASE OF SKID STEER LOADER**

Supervisor Newman made a motion, which was seconded by Supervisor Thompson, to approve Item No. 1 through Item No 9 of the Consent Agenda. The motion unanimously carried.

### **ACTION**

#### **HIGHWAYS AND FLOODPLAIN**

##### **ITEM 10**

**APPROVAL OF AN IGA WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR DESIGN & CONSTRUCTION IMPROVEMENTS TO THE CAMINO DE MANANA DRAINAGE CHANNEL.**

The proposed Intergovernmental Agreement (IGA) was generated after several meeting between the staff of the Arizona Department of Transportation (ADOT) and Cochise County. This project will resolve the problems associated with the drainage work done when ADOT widened State Route 90 through Whetstone. Drainage along the roads in Whetstone cannot presently drain into the Camino De Manana retention basin. Flooding has occurred close to a couple of adjacent homes

According to the IGA, ADOT will compensate the County to fix these issues. It is expected that the drainage works will resolve longstanding and severe flooding problems in the Whetstone area, east of SR 90. At the conclusion of this project, the drainage works will be turned over to the Flood Control District for operation and maintenance.

Supervisor Thompson made a motion, which was seconded by Supervisor Newman, to approve the intergovernmental agreement between ADOT and Cochise County for the design and construction improvements to the Camino De Manana Drainage Channel. The motion unanimously carried.

## **HUMAN RESOURCES**

### **ITEM 11**

#### **REORGANIZATION OF HOUSING AUTHORITY -- APPROVAL OF THE PROPOSED REORGANIZATION AND RELATED PERSONNEL CHANGES OF THE HOUSING AUTHORITY OF COCHISE COUNTY.**

The Housing Authority of Cochise County under the direction of Bill Kammann, has received significant grant funding (\$3M). As a result, a reorganization of this organization is necessary to address and support the expanded responsibilities. In the past, the Housing Authority was structured with an executive director and three staff members with the primary responsibilities of managing the Section 8 Housing Voucher Program and emergency housing repairs and rehabilitation.

The proposed structure will create two divisions, both still under the direction of the Executive Director. One division will administer the Housing Choice Voucher Program and the other will administer the Lead Hazard Control Program and emergency housing repairs and housing rehabilitation.

The greatly expanded funding will necessitate the addition of an Administrative Coordinator to manage budget and federal reporting requirements. Ms. Sally Taddy, Chairman of the Housing Authority Board addressed the Board and stated that the Board of Directors reviewed the proposed reorganization and is very much in favor of this action.

The following changes are requested:

1. Reclassify an existing Housing Inspector to Program Coordinator
2. Reclassify an existing Secretary II to Housing Specialist
3. Reclassify an existing Clerk II to Housing Assistant
4. Approve the new position of Administrative Coordinator
5. Approve the new position of Housing Rehabilitation Specialist
6. Approve the new position of Community Outreach Coordinator.

All requested changes in the reorganization will be paid with existing grant funds. The Board of Supervisors will discuss a potential increase in the salary of the executive director to reflect the additional responsibilities and accountability during a special board meeting which will be scheduled within two to three weeks.

The Board members indicated that these positions are strictly grant funded. Employees hired for these positions should be fully aware that if the funding is terminated, these positions could be eliminated.

Supervisor Newman made a motion, which was seconded by Supervisor Thompson, to approve the reorganization of the Housing Authority of Cochise County and the related personnel changes. The motion unanimously carried.

## **JUVENILE PROBATION**

### **ITEM 12**

#### **AWARD OF THE GRANT OF \$300,000 BY THE US DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE - SINGLE JURISDICTION ENHANCEMENT DRUG COURT GRANT**

Cochise County, on behalf of the Juvenile Court Services, has been awarded a grant of \$300,000 by the US Department of Justice, Office of Justice Programs. This grant is for a two-year period and will fund the Drug Court Programs in Benson, Douglas and Sierra Vista.

The Juvenile Court is required to make a match of \$50,000 for each year of the program. The Juvenile Court will be using three full time probation officer positions as in-kind match. The three positions should well exceed the match requirements. Other options for the match requirements could be office space, utilities, administrative oversight, etc. This outpatient program has an excellent ratio of success and requires the strong involvement of the family of the juvenile involved.

Supervisor Thompson made a motion, which was seconded by Supervisor Newman, to accept the \$300,000 Single Jurisdiction Enhancement Drug Court Grant from the US Department of Justice, Bureau of Justice Assistance and authorize the County Administrator to sign. The motion unanimously carried.

## **PURCHASING**

### **ITEM 13**

#### **PURCHASING FOR INFORMATION TECHNOLOGIES DEPARTMENT -- POSSIBLE AWARD OF CONTRACT 2104 PROVIDE AND INSTALL RADIO TOWER AT THE COCHISE COUNTY COMPLEX IN BISBEE, ARIZONA.**

In order to provide appropriate communications to the new addition being built at the Melody Lane Complex, a radio tower must be installed in order to provide a base for all the necessary equipment and antennas. The Finance Department expressed some concern as this cost was not included in the FY 03-04 Information Technologies Budget. Mr. Jim Norris, Information Technologies Director, indicated that some savings were realized during this budget year and this amount in combination with monies from the IT contingency line will be used to pay for this purchase.

Supervisor Newman made a motion, which was seconded by Supervisor Thompson, to award Contract No. 2104 to provide and install a radio tower at the Cochise County Complex in Bisbee, Arizona, to Air-NEM Tower Service as the low bidder meeting specifications in the amount of \$40,960.00. The motion unanimously carried.

### **ITEM 14**

#### **PURCHASING FOR INFORMATION TECHNOLOGIES DEPARTMENT -- POSSIBLE AWARD OF INVITATION FOR BIDS 2204 PROVIDE AND INSTALL RADIO TOWER AT BENSON SERVICE CENTER IN BENSON, ARIZONA**

At the same time as the addition at the Melody Lane Complex is being built, the new Benson Service Center is being constructed. The same communications requirements apply to the Benson site. Information Technologies will use contingency funds to purchase the necessary tower.

Supervisor Thompson made a motion, which was seconded by Supervisor Newman, to award Contract No. 2204 to provide and install a radio tower at the Benson Service Center in Benson, Arizona to Air-NEM Tower Service as low bidder meeting specifications in the amount of \$34,486.00. The motion unanimously carried.

## **PUBLIC HEARINGS**

### **BOARD OF SUPERVISORS**

#### **ITEM 15**

#### **APPROVAL OF AN APPLICATION FOR A SERIES #13 (DOMESTIC FARM WINERY) LIQUOR LICENSE SUBMITTED BY MR. ROBERT KEITH JOHNSON FOR THE COLIBRI VINEYARD AND WINERY LOCATED AT 2825 W. HILLTOP RD., PORTAL ARIZONA.**

Clerk of the Board Nadine Parkhurst explained that the applicant did not apply for a special use permit in the appropriate timeframe. Consequently, this permit will be reviewed by the Planning and Zoning Commission during their December Meeting. Per the regulations, the County has only 60 days to provide comments to the Liquor Bureau. (November 17, 2003). If comments are not received by that date, the Board relinquishes its right to make comments for or against the liquor license application. The deadline will have expired prior to the meeting of the Commission. Ms. Parkhurst mentioned that the Bureau of Liquor License was contacted and it is possible to obtain an extension on the comment period until December 31, 2003. Mr. Parkhurst stated that no comments were received from the public.

Chairman Call indicated that this was a public hearing and invited any member of the audience to address the Board regarding the application for a liquor license for the Colibri Vineyard.

Mr. Robert Johnson, Owner of the Colibri Vineyard and Winery, indicated that notification was given to him about the applications for a special use permit. However, due to his business and family responsibilities in Tucson and Willcox, the permit was filed with the Planning Department only a week ago. Mr. Johnson urged the Board to



approve the liquor license application as any delay to his business plan could have a negative effect on his operation.

The Board discussed this issue and came to the conclusion that the special use permit and the application for a liquor license were two separate issues. If the permit is not granted by the Planning Commission, Mr. Johnson will be the owner of a liquor license (if granted by the Bureau of Liquor License) but will not be able to operate the winery.

Supervisor Newman made a motion, which was seconded by Supervisor Thompson, to approve the application for a liquor license (Series No. 13 – Domestic Farm Winery) submitted by Mr. Robert Johnson for the Colibri Vineyard and Winery located at 2825 W. Hilltop Road, Portal, Arizona. The motion unanimously carried.

#### **ITEM 16**

#### **APPROVAL OF AN APPLICATION FOR A SERIES #6 (BAR) LIQUOR LICENSE SUBMITTED BY MR. KEITH LEROY CISEWSKI FOR THE HIDEOUT LOCATED AT 310 W. RAILROAD DR., HUACHUCA CITY, ARIZONA.**

Clerk of the Board Nadine Parkhurst indicated that this application was reviewed by the appropriate departments and everything is in order. No comments, either negative or positive, were received.

Chairman Call indicated that this was a public hearing and invited any member of the audience to address the Board regarding the application for a liquor license for the Hideout Bar. No one responded.

Supervisor Thompson made a motion, which was seconded by Supervisor Newman, to approve the application for a liquor license (Series No. 6 – Bar) submitted by Mr. Keith Leroy Cisewski for the Hideout Bar. The motion unanimously carried.

#### **ITEM 17**

#### **APPROVAL TO CHANGE CLASSIFICATION AND REDUCE THE ASSESSED VALUATION WHEN APPLICABLE PURSUANT TO A.R.S. 42-12054B IN THE CASE OF A) PARCEL # 107-78-671 (KOLAR) B) PARCEL # 106-71-279 (MARSHALL) C) PARCEL # 103-62-312 (BAKER)**

County Assessor Phil Leindecker explained that the three changes in classification were properties which were converted to owner-occupied status during the year. Mr. Leindecker recommended this action.

Chairman Call indicated that this was a public hearing and invited any member of the audience to address the Board regarding the change in classification in these three properties which became owner-occupied during the year. No one responded.

Supervisor Newman made a motion, which was seconded by Supervisor Thompson, to approve the change from Class 1 to Class 3 and the adjusted assessed value of \$21,886 for parcel No. 107-78-671 (Kolar); approve the change from Class 4 to Class 3 and the adjusted assessed value of \$3,671 for parcel No. 106-71-79 (Marshall) and also approve the change from Class 1.12 to Class 3 and the adjusted value of \$23,477 for parcel No. 103-62-312. (Baker) The motion unanimously carried.

### **CONSIDERATION OF SPECIAL ITEM(S)**

#### **FACILITIES/SOLID WASTE**

#### **ITEM 18**

#### **APPROVAL OF A BISBEE-DOUGLAS INTERNATIONAL AIRPORT FACILITIES LEASING AGREEMENT WITH SOUTHERN ARIZONA AVIATION LLC FOR REHABILITATION OF COMMERCIAL AIRCRAFT**

At the request of Mr. L. H. Hamilton, Facilities Director, Chairman Call announced that this item is removed from the agenda until further notice.

## **ITEMS FOR DISCUSSION/GUIDANCE/POTENTIAL ACTION**

### **BOARD OF SUPERVISORS**

#### **ITEM 19**

#### **COMMENTS RELATED TO THE ARIZONA TOWN HALLS**

County Administrator Jody Klein gave a summary on the last Arizona Town Hall which was attended by Chairman Call and himself. Mr. Klein indicated that this Town Hall was on public financing. Mr. Klein stated that they were successful in having a notice placed in the report (which will be generated from this meeting) pointing out the disparity which is present regarding the distribution of funds for counties vis-à-vis cities and State. Mr. Klein also mentioned that a "push" is being generated to reduce the assessed value of businesses from 25% to close to a residential assessment ratio. This action, if it takes place, would hurt the counties, special districts, school districts, etc. Mr. Klein stressed that if this lowering of the assessed value for businesses take place, provision should be made by the State to provide funding to cover these losses.

#### **ITEM 20**

#### **FOLLOWUP ON THE WORK SESSION HELD ON OCTOBER 20, 2003 ON ECONOMIC DEVELOPMENT**

Supervisor Newman gave a brief summary of the work session held on October 20, 2003 as Chairman Call was not present. Supervisor Newman indicated his strong commitment to work towards a regional approach to economic development based on the model of the Cochise County Tourism Council.

#### **ITEM 21**

#### **PRESENTATION BY MR. CARL ROBIE, WATER CONSERVATION COORDINATOR, ON HIS MONTHLY ACTIVITIES AND DISCUSSION ON ISSUES RELATED TO WATER CONSERVATION**

Mr. Carl Robie presented a report on the expected passage by the U.S. Senate of the Defense Authorization Bill (HR 1588) which will markedly change the way communities and others within the Sierra Vista Sub-Watershed of the San Pedro River will deal with local water issues.

Mr. Robie indicated that it is expected that President Bush will sign this bill. With this legislation, the federal government will formally recognize the Upper San Pedro Partnership and its efforts at accommodating human activities within the sub-watershed while protecting the San Pedro National Riparian Conservation Area. It will also establish reporting requirements through the Department of the Interior to keep Congress annually appraised of the local progress at bringing a permanent water balance in the local aquifer by 2011. Mr. Robie stressed that this legislation will increase the responsibility of local water mitigation by the members of the Upper San Pedro Partnership including local governments and less on Fort Huachuca alone.

Mr. Robie mentioned that this legislation will most likely be approved due to the efforts of the Arizona Congressional Delegation, especially Congressmen Kolbe and Renzi and Senators McCain and Kyl.

#### **ITEM 22**

#### **STATE AND FEDERAL LEGISLATION**

County Administrator Jody Klein indicated that the Judicial Collection Act which was passed recently was repealed by the Legislature and the Governor. This law would have, in effect, taken from the counties and cities all excess judicial revenues over the revenue baseline from the prior years. Mr. Klein also mentioned that a work session will be scheduled with Austin and Copelin, the federal lobbyist for the County, to discuss the County issues which needs to be addressed by this firm in the name of the County.

### **HEALTH**

#### **ITEM 23**

#### **FOLLOWUP DISCUSSION ON THE ISSUE OF FLU SHOTS FOR SENIORS ON MEDICARE**

Health Director Diane Carper explained that it appears that the demand for flu shots is greater than anticipated after one flu clinic. However, after discussions, it was determined by the Board to monitor the number of flu shots being used after another clinic and determine at that time if more vaccine needs to be ordered. The Board based their decision on the fact that each flu shot costs the County over \$8.00 and can not be used once the flu season is over.

**SUMMARY ON CURRENT EVENTS BY BOARD MEMBERS:**

**ITEM 24**

**REPORT BY SUPERVISOR PATRICK CALL, DISTRICT NO. 1 -** Chairman Call did not provide a report in the interest of time.

**REPORT BY SUPERVISOR PAUL NEWMAN, DISTRICT NO. 2 –** Supervisor Newman indicated that he will chair a Town Hall meeting in Pirtleville on November 5, 2003 to receive comments from the residents.

**REPORT BY SUPERVISOR LESLIE THOMPSON, DISTRICT NO. 3 –** Supervisor Thompson indicated that Cochise County has about 86 miles of a fuel pipeline and information is being sought as to the condition of the pipeline to avoid a situation similar to the one experienced in Tucson a few weeks ago where the pipeline had to be shut off due to bad leakage. Supervisor Thompson mentioned that the pipeline company is showing some reluctance to provide him the information.

**ITEM 25**

**REPORT BY PUBLIC INFORMATION OFFICER AND BOARD BROADCAST DIRECTION**

Public Information Officer Karla Jensen provided a summary of her weekly activities. The Board discussed the subject of the next "Board Broadcast" and determined that it will be dedicated to the efforts of the Information Technologies Department to control "spam" email received by County employees.

No further business being presented, Chairman Call declared the meeting adjourned. The next regularly scheduled meeting of the Cochise County Board of Supervisors will be held on Tuesday, November 18, 2003 at 2:00 p.m. in the Cochise County Board of Supervisors' Hearing Room which is located at 1415 Melody Lane (Building B), Bisbee, Arizona.

APPROVED: \_\_\_\_\_  
Patrick Call, Chairman


ATTEST: \_\_\_\_\_  
Nadine Parkhurst, Clerk of the Board

(SUPPORTING DOCUMENTATION IS AVAILABLE AT THE BOARD OF SUPERVISORS' OFFICE)

APPROVAL OF THE COCHISE COUNTY ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the COCHISE COUNTY, an agreement among public agencies which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the COUNTY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 20<sup>th</sup> day of October, 2003

  
~~City Attorney~~ Deputy County Attorney



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE: 602.542.8855

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR03-0427TRN (JPA 02-193), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED December 4, 2003.

TERRY GODDARD  
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", written over a horizontal line.

SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

/ss

att.